



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: LEE=75

In re Application of: ) Confirmation No.: 4869  
Martin Jerome LEE )  
Appln. No.: 09/808,039 )  
Filed: March 15, 2001 )  
For: A KIT AND METHOD FOR )  
DETECTING FOOD ALLERGIES )

**TERMINAL DISCLAIMER**

Pursuant to 37 C.F.R. §1.321(b)(1)(iv) and other parts of Section 1.321, the terminal part of any patent granted on the above-identified application Serial No. 09/808,039 which would extend beyond the full statutory expiration date of USP 6,596,502, is hereby disclaimed by the common assignee, Lee Research Laboratory Inc., the owner of the entire right, title and interest in the present application and said U.S. patent; and

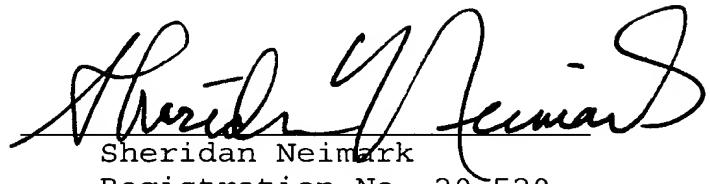
It is hereby agreed that any patent so granted on the above-identified application Serial No. 09/808,039 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to USP 6,596,502, this agreement to run with any patent granted on the above-identified application Serial No. 09/808,039 and to be binding upon the grantee, its successors or assigns.

No disclaimer of any terminal part of any patent granted on the above-identified application Serial No. 09/808,039 prior to the expiration date of the full statutory term of prior USP 6,596,502, is made in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, whereby the present terminal disclaimer is effective only for the separation of legal title as stated above. The "full statutory term" of the prior patent is the maximum granted term thereof, as extended by law at any time, and this terminal disclaimer is being made without waiver of the rights of the applicant or the assignee to seek an extension of the patent granted on the instant application in accordance with law, including but not limited to the right to an extension under 35 U.S.C. §156 [see 37 C.F.R. §1.775(a)].

The intended scope of the present terminal disclaimer as set forth above and the non-alienation agreement above are intended to be the minimum required by law, and this document is to be considered to effectuate said intent. No admission is made that any claims of the present application are obvious over any prior patent.

The statutory disclaimer fee of \$55.00 for a small entity per 37 C.F.R. §1.20(d) is attached.

Attorney of Record



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Date: May 19, 2004

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